A MEMORIAL

From His

Moſt Chriſtian Majeſty,

Preſented by

The Count *de Briord*, His Ambaſſador Extraordinary to the *States General* of the *United Provinces*, at the *Hague*, *December* 4. 1700.

Containing His

REASONS

FOR

Accepting the late King of *SPAIN*'s WILL, in Favour of the Duke of *ANJOU*.

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A Memorial from His Moſt Chriſtian Majeſty, preſented by the Count de Briord, *&c.*

IF the States General ſeem at preſent to be ſurprized, at the King's accepting the Will of the late King of *Spain*, they will in a little time thank his Majeſty for preferring on this Occaſion the Peace of the Publick, to the Advantage of his own Crown. If they take time to examine, with their uſual Prudence, the infinite Troubles which the Treaty of Partition would produce, that ſame Prudence will oblige them to deſiſt from the Demand, contained in the Memorial which they have put into the Hands of his Majeſty's Ambaſſador. They will confeſs, that the Misfortunes of obtaining it, will be common to all *Europe*; and certainly they will be of Opinion, that there's nothing can be a greater Contradiction, than to abandon the Deſign of the Treaty, for the ſake of adhering to the Terms of it.

For we muſt of Neceſſity at this Conjuncture diſtinguiſh betwixt the one and the other.

The

The Deſign and the *Terms* were united whilſt the K. of *Spain* lived, but the laſt *Will* of that *Prince* & his Death, make ſuch a Difference betwixt 'em, that the *Deſign* is abſolutely *deſtroy'd* if the *Terms* ſtand. The former maintains a General Peace, the latter cauſes an Univerſal War. This Obſervation alone makes a true Deciſion, as to what Choice we are to make, in order to conform our ſelves to the principal Object of the Treaty, as explain'd by the firſt Articles of it, *viz. To maintain the General Peace of* Europe, *to preſerve the Publick Repoſe, and to avoid a new War, by an Accommodation of thoſe Diſputes and Differences that may happen upon the Subject of the Spaniſh Succeſſion, or by the Umbrage of too many Dominions being united under one and the ſame Prince.* 'Twas upon ſuch Motives that the King took with his Allies, the neceſſary Meaſures for preventing a War, which the Spaniſh Succeſſion ſeemed unavoidably to threaten.

It was not his Majeſty's Deſign to acquire by a Treaty the Kingdoms of *Naples* and *Sicily*, the Province of *Guipuſcoa* and the Dutchy of *Lorain*; his Allies had no Right to thoſe Dominions, and perhaps he might have obtain'd more conſiderable Advantages by his Arms, if he had deſign'd to make uſe of them on the Occaſion of the King of *Spain*'s death. But his prin-

principal End being to maintain the Peace, he treated upon that Foundation alone. He ſuffered the Dauphin to content himſelf with the Share allotted him, in lieu of all his Right to the whole Succeſſion of the Kingdoms of *Spain*. But it happens that the Meaſures then taken, with a deſign to preſerve the Publick Peace, produce a quite contrary Effect, and that they engage *Europe* in a new War: If it be become neceſſary for preſerving the Peace, to uſe Means different from thoſe that were propoſed for that End. If this new Way occaſion no Prejudice to the Potentates in Alliance with his Majeſty, all the Diſadvantage falls upon himſelf; and if he is willing to Sacrifice his own Intereſts to the General Good of Chriſtendom, it not only depends upon his Majeſty to do it, but he has likewiſe ground to believe, that his Allies will commend his Moderation, and his Love to Peace, rather than complain of a Change, which the Publick Welfare requires, and that they will thank him for a Reſolution, which 'twas impoſſible for him to defer, without expoſing himſelf at the ſame time to long and bloody Wars, which his Majeſty, in Concert with them, was willing to prevent.

The firſt Appearances of it were already plain enough. The Spaniards, being zealous to pre-

ſerve their Monarchy entire, made Prepansorati on all ſides for a Defence. The *Milaneſe*, the Kingdoms of *Naples* and *Sicily*, the Provinces, the Places comprehended in the Partition, all of them put themſelves in a Condition, to maintain their Union with the Body of the Spaniſh Monarchy. The Nation demanded only a King whom they might lawfully own: And tho' the Inclinations of all the Dominions of the Crown of *Spain*, did univerſally carry them to deſire a Prince of *France*, the Subjects of that Monarchy would have been Loyal to any other *Prince* appointed by the Will of the late Catholick King, excluſive of the Dauphin's Sons.

They were left at no uncertainty, but as to the Acceptation, for the late King having at laſt done Juſtice to the true Heirs, their Refuſal would have authoriſed *Spain* to ſubmit themſelves to the Archduke. No Body in all likelihood will doubt but the Emperor would have accepted the Will. The Succeſſion of *Spain* for his ſecond Son, was the main Deſign of his long Negotiations at *Madrid*. His Treaties in the Empire were for that ſame End. He did not refuſe to ſign the Partition but in hopes of that. 'Twill be hard to perſwade any Man to believe, that when he was juſt ready to reap the Fruits of ſo much Labour, he would be willing to loſe them,

them, and reſt contented with the ſame Offers, that he had conſtantly rejected.

Thus the Archduke becoming K. of *Spain* by the Conſent of the whole Nation, there muſt be a Neceſſity, in order to execute the Treaty, to Conquer the Kingdoms and Dominions reſerv'd for the Share of the Dauphin. There would be no room left to alledge the Injury done to the lawful Heirs, for the *Spaniards* had own'd their Right. There muſt be a Neceſſity of attacking a Prince declared Succeſſor of all the Dominions depending on the Monarchy.

His new Subjects being accuſtomed to Loyalty toward their Sovereigns, being informed of the Refuſal of the true Heirs, would be as Zealous for Him as they had always been for their preceding Kings. The States General being informed by the King of all his Steps for the execution of the Treaty, know that his Majeſty did openly ſolicite the Princes of *Europe* to enter into the ſame, and that he never attempted the Loyalty of the Subjects of the late Catholick King, by any ſecret methods. He had not any Intelligence, neither in the Kingdoms of *Sicily* or *Naples*, nor in any of the Dominions comprehended in the Share of the Dauphin. The favourable Opportunity was the only way to attack them. But War being once commenced,

menced, after having refuſed the Juſtice which the late Catholick King would have done to the Princes of *France*, it would have been hard to have put an end to it. A King in poſſeſſion of all the *Spaniſh Monarchy* without any Conditions, would have been reduced to great Extremities before he had parted with the Kingdoms of *Sicily* and *Naples*, the Province of *Guipuſcoa*, the Dutchy of *Milan*, and the other Countries and Places of which the Share of the Dauphin was to have been compoſed.

It's to no purpoſe to enquire what the Conſequences of that War might have been. It was unavoidable; and this Certainty is ſufficient to ſhew that the Sage Precautions taken for maintaining an inviolable Peace in *Europe*, were perfectly overturn'd by the very *Methods*, that were judged only proper for entertaining it, acknowledging the Inconveniencies of a War, the Uncertainties, the Misfortunes which it draws after it; had he accepted the Treaty and renounced the Will, he muſt have obliged the Archduke to deſiſt from his Right, and to content himſelf with the Share ſtipulated for him.

It was certainly in the Emperor's power to have done ſo, but will his former Refuſals, puſh'd on to the extremity, ſuffer any Man to believe, that *that* was his Reſolution, even though

though he had pretended to it? Would the publick Peace have been any further aſcertain'd by it? The Duke of *Savoy*, he was no ways engaged in any Treaty, and he is called to the Succeſſion by this Will, failing the Princes of *France* and the Archduke: What Offer conſiderable enough could there have been made to him, to prevent his attempting to have his new Rights made valid or to ballance the Advantages that he might reaſonably hope for from them.

It muſt not be ſaid, that the Confederate Powers would have ſubſtituted him to the Archduke; that's not the Caſe, ſince 'tis ſuppoſed that the Emperor would have accepted the Treaty, which the Exchange propoſed to him, and which is infinitely below *what Futurity offer'd him*; and would not his *particular Intereſt* have oblig'd him to make the Will valid in favour of that *Prince*, who ſhould thus conform himſelf to it?

In fine, the Diſpoſition made by his Catholic Majeſty did ſtill produce new Troubles in the Choice of a *Prince* to ſubſtitute in the Room of the Archduke.

Since the States General inſiſt upon that ſecret Article of the Treaty, they muſt have probably conſidered what *Prince* was in a Condition to ſubject the Spaniards to his Obedience, and would have been willing againſt the mind of the Nation, to aſcend the Throne of *Spain* and

maintain the Remainders of the diſmembred Monarchy againſt the Enterpriſes of the Arch-duke, authoriſed by the Will of the late *King*, and againſt thoſe of the Duke of *Savoy*, concern'd to maintain that laſt Will. It does no ways appear that ſo many Differences could have been eaſily accommodated, without giving the leaſt Trouble to the *General Peace*. On the contrary, there's nothing to be foreſeen but an univerſal War. Therefore there's a Neceſſity, in order to preſerve the *Peace*, to make uſe of *Methods* different from thoſe that were propoſed, at ſigning the Treaty of Partition.

The moſt natural, that which is moſt agreeable for maintaining the *General Peace*, and the only *juſt Method*, conſiſts in the Reſolution taken by the *King* to accept the Will of the late *Catholick King*. If any *Prince* have a Right to oppoſe the Diſpoſitions of that Will, there needs no more but to read them, to be convinc'd that this Right belongs only to the Dauphin. But ſince he is willing to deſiſt from his Pretenſions in favour of his Son, the Will is executed without Trouble, without effuſion of Blood, and the *People* of *Spain* receive with *Peace* a *Prince* whom his Birth, the Will of the late King, and the unanimous *Deſire* of all the *Dominions* belonging to the *Monarchy* call to the Crown.

If

If any *Potentate* ſhould undertake to attack ſo many Rights, they would juſtly be branded with the odious Name of *Diſturber of the Publick Repoſe*, and begin an unjuſt War, without any appearance of Succeſs. Then if this War ſhould appear Unjuſt when undertaken by *Potentates*, who think it their Intereſt to traverſe the Advantages of a *Prince* of *France*, would it be conſiſtent with the *King's Equity*, and with his *tender Affection* to the *King* of *Spain*, to turn his Arms againſt a Nation, for no other Reaſon but becauſe they offered their *new King* his Majeſty's Grand-Son, the Crown of one of the moſt *Potent Monarchies* of *Europe*, and begg'd of him as the greateſt of Favours to accept it. The high Dignity of *Kings* does not excuſe them from conſidering whether the Wars they undertake be juſt. Then what Reaſons could his Majeſty (who is known to be a *juſt Prince*) offer for reſuming Arms, to divide a Monarchy which is ſettled intirely upon the lawful Heir.

There was a deſign to deprive him of his Rights. The Emperor looking upon himſelf to be aſſured of the Intentions of the late King of *Spain*, flattered himſelf with hopes of enjoying the whole Succeſſion. Juſtice, Honour, the Intereſt of the Crown and paternal Affection, equally obliged the King to maintain with his

power

power the Rights of the Dauphin. His former Succeſs was ſufficient to ſhew what was to be feared from the Efforts of his Arms. The *King* of *England* and the States General were equally deſirous to prevent the War. The *King* conſenſented to it. The *Dauphin* was very willing to abandon the greateſt part of his Rights, on Condition of having the *Dominions* alloted to his ſhare aſcertain'd to him. The equal deſire on all hands to maintain the *Peace*, produc'd the Treaty; and thus it was, that by ſage *Precautions* taken during the Life of a *Prince*, whoſe frequent and dangerous *Diſtempers*, foretold an approaching *Death*; It was believed, that Juſtice was done in part to the true Heirs, and that at the ſame time a ſolid Foundation was laid for a *Peace* in Europe.

The *Diſputes* raiſed, as to the Validity of the Renunciation of the late Queen, ſerved for a Motive to this Accommodation. In Effect, it had been of no uſe, if the Nullity of that Renunciation had been acknowledged as fully, during the late *Catholick King*'s Life, as it is declared by his Will.

In ſhort, it was neceſſary, that the *King* ſhould explain himſelf poſitively, whether he would accept the Will, ſuch as it is, in favour of his Grandſon, or whether he abſolutely rejected it. There

was

was no *Medium*, no Expedient or Change to be propoſed. His Majeſty accepting the Will, the Rights of the whole Succeſſion paſs uncontrovertibly to the King of *Spain*, he is not at liberty to ſeparate them, to accept one Part of the Succeſſion and reject the other.

The rejecting of the Will, tranſported all the Rights to the Archduke; nor could the true Heirs in that Caſe have had lawful Reaſon to complain of any Injuſtice done them. By Conſequence, be it how it will, had his Majeſty been minded to maintain the Conditions of the Treaty, he muſt have been oblig'd to attack a living Prince, Poſſeſſor of the Crown of *Spain*; and it's certain that the Meaſures he had taken with the Allies, related only to the Diviſion of the Succeſſion of a Prince whoſe death appear'd to be very near.

Since the War muſt have been unavoidable, and that it would have been unjuſt if the King had fix'd his Reſolution to keep preciſely to the Terms of the Treaty of Partition: The States General have no Reaſon to Complain, that his Majeſty hath prevented it by accepting the Will, except that Reſolution occaſion them ſome Prejudice; but hitherto there's none to be perceived. The only View they had in entring into that Treaty, and their ſole End was to aſcertain the General Peace. We owe them the Juſtice to declare, That they ſtipulated no particular Advantage to themſelves, no Province, no Place, no Sea-Port depending on the Monarchy of *Spain*, either in the Old or New World; no Article for facilitating their Commerce. *They*, properly ſpeaking, acted the Part of diſintereſted Mediators betwixt the King and the Emperor, they were willing to pacifie the Troubles, which the Reciprocal Differences about the Succeſſion ſeem'd likely to produce in a little time: If the Emperor had been influenc'd with the ſame deſire of maintaining the *Peace*, & had ſign'd the *Treaty*, the Engagements then entred into betwixt the Parties only Intereſted in the Succeſſion, would have been different, but

there was no Treaty except with the Mediators: And the States being inform'd of all the King's Steps with relation to the Treaty, know how uſeleſs all the Inſtances made at *Vienna* in his Name were. They know alſo that the Emperor being perſuaded that the Arch-Duke would be called to the whole Succeſſion of the Kingdoms of *Spain*, would not engage in the Partition of the Dominions of the Monarchy, but in ſo far as it might have contributed to extend his Authority in *Italy*. Let them complain then of the Emperor and his continued Refuſals, if they be troubled at his Majeſty's accepting the Will, which tho' he has ground to believe from the Memorial they have put into the Hands of his Ambaſſador, yet he is willing to ſuſpend his Judgment, until ſuch time as they make more ſerious Reflections upon this great Event. He knows the Wiſdom of the Republicks Councils. All things being well examined, the States General will perhaps find, that ſo many conſiderable Dominions being added to *France*, according to the Diſpoſition of the Treaty, might have given juſt Jealouſie of her Power, and if it depended upon them to make Choice, the Reaſons appear ſtrong that they ſhould prefer, to the Execution of the Treaty, according to the Terms, the preſent State of the Monarchy of *Spain* govern'd by a Prince of *France*, without the diſmembring of its Dominions. The People of *England* and *Holland* were already prejudiced, and endeavouring to prevent the Deciſions of the Government on this Occaſion: Their Complaints of the uniting the Kingdoms of *Naples* and *Sicily* to the Crown of *France*, did openly diſcover their Fears concerning the Trade of the *Mediteranean*.

Tho' the King of *Spain* be a Prince of *France*, his high Birth, his Education and Pattern, inſtruct him what he owes to the Welfare of his Subjects and the Intereſt of his Crown. Thoſe Conſiderations will always have the chief Place in his Mind, they will incline him to augment the ſplendor of his Monarchy, and farther, the tender Affection of

of the King to his Catholic Majeſty, would certainly be the ſtrongeſt Barrier and the moſt ſolid Aſſurance that *Europe* could deſire. If his Majeſty's Intention to maintain the Peace would allow the leaſt Jealouſie of his Deſigns, there was much more Reaſon to take Umbrage at the reuniting of too many Dominions under one and the ſame Prince, if the Treaty could have been executed.

Thoſe Reflections will probably convince the States General, that Juſtice, the Benefits of Peace, and the very Deſign of the Treaty would not allow the King to take other Reſolutions, than that of accepting the Will of the late King of *Spain*; that it ſuits the particular Intereſts of the Republick of *Holland*, and that it is agreeable to thoſe of all *Europe*; the Misfortunes then would be General, were it poſſible that his Majeſty, after this Declaration, could have any regard to the Inſtances contained in their laſt Memorial, and, in Truth, he is perſwaded, that they never had any deſign to obtain the Effect of it. They are too clear-ſighted to have formed Vows ſo contrary to their Light, and to the true Intereſts of their Republick, yet if they were capable of forgetting them ſo far, as to wiſh effectually, that his *Majeſty* would execute the Conditions of the Treaty, they would have ſhewed the certain *Means* of effecting the Partition without a War, to the general Satisfaction of all *Europe*. They ſhould at leaſt have nam'd the Princes that were ready to join in it, the Troops for being Guarantees of the Articles of it: They ſhould have mention'd thoſe that the Republick of *Holland* was to furniſh by Sea or Land. *But their Memorial contained no ſuch thing.* My Lords the States propoſe only to grant the Emperor the Term of two *Months*, according to the ſecret Article of the Treaty: *Have they already forgot, that he hath had ſeven Months time to deliberate in? That his Anſwers to the different Inſtances made to him, contained an abſolute Refuſal to ſign the Partition?* Let them examine, *What would be the Fruit of that new Propoſal?* The Emperor refuſed the Partition upon the ſingle hopes, *that the King of* Spain *would call the Archduke to the Succeſſion.* This Hope was vain, and the Effects have verified it to be ſo. In the mean time, if that was capable of ſuſpending the Emperors Reſolutions, what would not the Certainty do, which he has at preſent to procure the whole Succeſſion of *Spain* to the Archduke: For, in ſhort, the Delay of two Months, propoſed on this Occaſion by the States, would with Reaſon, have been looked upon by the *Spaniards*, as the King's rejecting the Will of his Catholick Majeſty. There was no Reaſon to demand of them to wait for an Anſwer ſo long, and beſides this Anſwer, according to the Terms of the Treaty, could be no other than a Refuſal. Thus the Regency of *Spain* ſhould have been obliged in Conformity to the Intentions of the late Catholick King to devolve the Crown

Crown upon the Archduke, and the Emperor ſhould obtain by this Delay (*which my Lords the States propoſe*) what he hath ſought after with ſo much Labour: And thus under the ſpecious Pretext of executing the Treaty, they would aſcertain for ever the Grandeur and Power of the Houſe of *Auſtria*.

" His Majeſty is willing to believe that this was not their Deſign, they " know to well that its their Intereſt to merit by their good Conduct the " Honour of his Affection, and the continuation of his good Will. He aſſures himſelf that they will reflect more than they have done upon the Teſtimonies which he gives of his Application to the maintenance of the *Publick Peace*; and upon the Sacrifice which he is willing to make on that Account of conſiderable Dominions that were to be united to his Crown, " That they will change their Complaints into Thanks, and congratulate " the King of *Spain* as ſoon as poſſible upon his acceſſion to the Crown, and " that they will endeavour to merit of the King the Good-Will and Protecti- " on that they and their Anceſtors have receiv'd of his Majeſty and his Prede- " ceſſors.

Deareſt, Great Friends, Allies and Confederates, the Peace of *Europe* is ſo firmly eſtabliſh'd, by the juſt diſpoſal which the late King of *Spain*, our deareſt and well-beloved Brother, hath made of his Kingdoms and Dominions, in favour of our deareſt and well-beloved Grand-Son *Philip* V. now K. of *Spain*, that we doubt not of your being glad at his Acceſſion to the Throne. We have already made known unto him the true Affection which we bear you: " And ſince we are perſwaded that his Sentiments will " be agreeable to ours, the ſtrict Correſpondence which ſhall henceforward " be maintain'd betwixt our Crown and that of *Spain*, will give us new Op- " portunities of ſhewing you how much we Intereſt our ſelves in what con- " cerns you, and the ſincere Friendſhip that we entertain for you; the Count *de Brionne*, our Ambaſſador Extraordinary, will give you new Aſſurances of it; and, in the mean time, we pray God, that he may take you into his Holy Protection. *Wrote at* Verſailles, Nov. 29. 1700. *Sign'd*, LOUIS.

THE Subſcriber, Ambaſſador Extraordinary of *France*, having receiv'd Orders from my Maſter, to give your Lordſhip's the Letter that his Majeſty hath wrote to you, to notifie the Acceſſion of King *Philip* V. his Grand-Son to the Monarchy of *Spain*, and to communicate to you at the ſame time the juſt Motives that oblig'd him to accept the Will of the late King of *Spain*, which are contain'd in the Memorial join'd to the King's Letter. The ſaid Ambaſſador hath cauſed the Letter and Memorial to be deliver'd to M. *de Haren*, Preſident for this Week. " I wiſh your Lordſhips may make all " the Reflections upon it ſuitable to the preſent ſtate of Affairs, and to the " Good and Advantage of this Republick which may and ought to rely upon the ASSURANCES, which he hath Order from the King his Maſter to give your Lordſhips, of the Continuation of his Friendſhip, and of his Majeſty's ſincere Deſire to maintain the Alliance and good Correſpondence which he hath with this State. The ſaid Ambaſſador is perſwaded, " That your Lordſhips will correſpond with the favourable Intentions of the " King his Maſter. At the *Hague*, *Decemb.* 4. 1700. Sign'd, *BRIORD*.